

Remarks

In the non-final Office Action dated September 5, 2008, the following is noted: claims 1-18 and 20 stand rejected under 35 U.S.C. § 102(b) over the Nonaka reference (US Patent No. 6,654,949) and claim 20 is objected to for not providing antecedent basis for the term “computer readable medium”. In this discussion set forth below, Applicant does not acquiesce explicitly to any rejection or averment in this Office Action unless Applicant expressly indicates otherwise.

Applicant respectfully traverses the objection to claim 20. The objection cannot stand because claim 20 recites, in pertinent part, “A computer readable medium”. Thus, computer readable medium is introduced for the first time in the first line of the claim. Applicant requests that the objection be removed.

Applicant respectfully traverses the rejection under 35 U.S.C. § 102(b) over the Nonaka for failing to correspond to each limitation. The instant Office Action states, at page 6, that the threshold value is being interpreted as something other than actual data stored in memory. Nonaka teaches the opposite. In pertinent part, Nonaka states that “‘threshold value’ as used herein is intended to mean an index value representing the amount of data stored in memory 7.” Col. 4, lines 48-50. It is not proper to interpret the teachings of Nonaka in a manner that is opposite of the express teachings of Nonaka.

For further understanding of the deficiencies of Nonaka, reference can be made to FIG. 4 of Nonaka. Nonaka teaches that X0 is the amount of allocated memory and that X0 is constant. For example, at Col. 6, lines 37-48, Nonaka teaches that X0 represents the capacity of memory 7. As shown by FIG. 4, X0 does not change. Applicant further notes that levels X1 and X2 represent trigger points for actions taken once the amount of data drops below a certain level. Thus, neither X1 nor X2 represents the amount of memory that is allocated. Thus, Nonaka does not teach that the amount of allocated memory is dynamically adjusted. Accordingly, Nonaka does not teach that the threshold value corresponds to a memory allocation that can be dynamically adjusted and thus, the rejections cannot stand.

Applicant further notes that the rejections for many of the dependent claims have not been properly explained. For instance, Applicant’s review failed to find support for correspondence to two content signals in Nonaka. The Office Action alleges support for

such limitations (*e.g.*, as found in claims 10, 18 and 20) can be found at col. 5, lines 6-64. The pertinence of these teachings is not readily apparent. Applicant requests an explanation pursuant to M.P.E.P. § 706 and 37 C.R.F. 1.104: “(t)he pertinence of each reference, if not apparent, must be clearly explained”. For example, Applicant expresses confusion regarding the Office Action’s assertion that Nonaka teaches a second memory allocated for a second application with regards to “the display of song data as discussed in col. 5, lines 6-64”. It is unclear what the Office Action believes displaying song data encompasses and a word search of Nonaka does not reveal any mention of displaying of song data. Applicant submits that the cited portion of Nonaka does not teach that song data is visually presented (*i.e.*, displayed). Generally speaking, Nonaka teaches that audio data is used to generate analog signals that represent the audio sounds (*see, e.g.*, D/A converter 9 of FIG. 1). The Office Action has not identified any memory other than memory 7 that is involved in this process. Moreover, the generation of analog signals and subsequent creation of audio sounds stem from the same content signal (*i.e.*, from optical disk 1). Thus, Applicant respectfully submits that there is no correspondence to limitations directed to a second memory and a second content signal.

In view of the remarks above, Applicant believes that each of the rejections/objections has been overcome and the application is in condition for allowance. Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is asked to contact the agent overseeing the application file, Peter Zawilski, of NXP Corporation at (408) 474-9063.

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